

REMARKS

Applicant elects, with traverse, the invention of Group I (claims 1-21 and 46).

As stated by the M.P.E.P., there are two criteria for a proper requirement for restriction between inventions: (a) the inventions must be independent; and (b) there must be a serious burden on the examiner. M.P.E.P. § 803.01 (8<sup>th</sup> ed., Rev. 2), at 800-4. Here, it is respectfully submitted that the invention of Group V (including claims 40 and 43-45) should be examined with the invention of Group I, as there would not be serious burden in the examination of the invention of Group V with the invention of Group I. Claim 40 recites an article that contains instructions that when executed cause a system to receive a set of queries, generate a set of candidate indexes from the set of queries, eliminate candidate indexes based on one or more predetermined criteria, invoke an optimizer to perform cost analysis of the candidate indexes, and use the cost analysis to select a recommended index for a database system. The claim further recites that eliminating candidate indexes based on one or more predetermined criteria comprises at least one of eliminating candidate indexes that are changed with updates at a rate greater than a predetermined change rate threshold, and eliminating a candidate index that is a subset of another candidate index.

Independent claim 7, which is part of the invention of the elected Group I, recites a system that has a first module to receive a set of queries and to provide a set of candidate indexes for the set of queries, where the first module is adapted to eliminate one or more candidate indexes based on one or more predetermined criteria. The system further includes an optimizer to generate a recommended index from the set of candidate indexes, where the one or more predetermined criteria comprises a threshold change rate, with the first module adapted to eliminate one or more candidate indexes having a change rate exceeding the threshold change rate. The subject matter of claim 7 has elements that are in common with the subject matter of claim 40.

Because there will not be a serious burden on the Examiner to examine the claims of the invention of Group V with the claims of the invention of Group I, it is respectfully requested that the claims of the invention of Group V be examined together with the claims as of the invention of Group I, and that the restriction requirement with respect to these two groups of claims (Groups I and V) be withdrawn.

No fees are believed to be due as a result of this reply. However, the Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 50-1673 (10150).

Respectfully submitted,

Date: \_\_\_\_\_

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